

## LABOUR DEPARTMENT

The 10th October, 1972

No. 11164-4 Lab-72/40021.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s the new Karnal Co-operative Transport Society Ltd., Karnal.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,  
HARYANA, FARIDABAD

Reference No. 73 of 1971.

*[between]*

SHRI VISHAN DASS WORKMAN AND THE MANAGEMENT OF M/S THE NEW KARNAL CO-OPERATIVE TRANSPORT SOCIETY LTD., KARNAL

Present :

Shri Bishan Dass, concerned workman.  
Shri Gurinder Pal Singh, for the management.

## AWARD

This reference under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 has arisen out of the following facts.

Shri Vishan Dass concerned workman has joined as a conductor with M/s New Karnal Co-operative Transport Society Ltd. Karnal. He was promoted as a Inspector but later on he was reverted to his permanent post as conductor and the checking allowance at Rs. 60 per month was paid to another conductor Shri Divinder Singh. Shri Vishan Dass raised a demand for the payment of the said allowance which was not accepted by the management. This gave rise to an industrial dispute which was referred for adjudication to this Tribunal by the Governor of Haryana,—*vide* Order No. ID/19926, dated 29th June, 1971 with the following terms of reference.

Whether Shri Vishan Dass, conductor on his demotion from the post of Inspector to conductor is entitled to checking allowance @ Rs. 60 per month in place of Shri Devinder Singh, conductor? If so; with what details?

On receipt of the order of reference the parties were called upon to put in their respective written statement. The workman reiterated his above claim on the ground that he was senior to Shri Divinder Singh. The management contested his claim on the plea that the post of the Inspector having been rendered surplus. Shri Vishan Dass was appointed as Conductor with his consent and as such he was not entitled to claim the checking allowance as of right. It was also contended that the demand in question had not been first raised on the management and rejected by it before the matter was taken up for conciliation and as such it did not constitute an industrial dispute which could be validly referred for adjudication. The pleading of the parties gave rise to the following issues.

1. Whether the demand the subject matter of the present reference, was not properly raised by the workman nor was the same rejected by the management and as such no industrial dispute existed between the parties to justify the reference? (on management).
2. Whether Shri Vishan Dass, Conductor on his demotion from the post of Inspector to conductor is entitled to checking allowance @ Rs. 60 per month in place of Shri Devinder Singh conductor; If so, with what details

Issue No. 1 was decided against the management,—*vide* order dated 3rd April, 1972. It is not necessary to go into the merits of the case covered by issue No. 2 as the parties have arrived at an amicable settlement,—*vide* Memorandum of settlement, dated 19th September, 1972 Exhibit M-2 on record. Shri Vishan Dass concerned workman has been paid Rs 780 in full and final settlement of his above claim and there is now no dispute left between the parties. Their statement shall have been recorded.

In view of the above, a no dispute award is given. No order as to costs.

O. P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated the 20th September, 1972

No. 406, dated the 20th September, 1972

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes, Act, 1947.

O. P. SHARMA,

The 20th September, 1972

Presiding Officer,

Industrial Tribunal Haryana,

Faridabad.

The 11th October, 1972

No. 4 Lab-72/40025.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Hindustan Kokoku Wire Ltd. Mathura Road, Faridabad.

BFFORF SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 91 of 1972

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S HINDUŠTAN KOKOKU WIRE LTD.,  
MATHURA ROAD, FARIDABAD

*Present.—*

Shri Bed Ram, for the Workmen.

Shri O. P. Tyagi, for the management.

#### AWARD

By order No. ID/FD/151-C-71/30188-91, dated 6th October, 1971, of the Governor of Haryana, in exercise of the powers conferred by clause (d) of the sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the following disputes existing between the management of M/s Hindustan Kokoku Wire Ltd., Mathura Road, Faridabad and its workmen were referred for adjudication to this Tribunal.

1. Whether the qualifying period for entitlement of gratuity in the existing gratuity scheme should be reduced from 15 years to 7 years with effect from 1st January, 1971 and gratuity paid at the rate of 15 days wages for each year of service?
2. Whether the Dearness Allowance should be paid at the rate of 50 paisa per point increase in the consumer price index number instead of 2 paisa per point with effect from 4th February, 1970? If so, with what details?
3. Whether the management should pay half wages to the workers for the period of strike from 6th December, 1970 to 18th January, 1971?
4. Whether the helpers in drawing shop should be promoted as operators and paid accordingly? If so; with what details?
5. Whether any helper who has attained the maximum of his grade should be promoted as operator and paid accordingly? If so; with what details?
6. Whether the management should allow 7 days sick leave with wages to the workers? If so; with what details?

Usual notices were given to the parties and they filed their respective written statements. It is however, not necessary to go in to the merits of the case as an amicable settlement has been arrived at as per the memorandum of settlement dated 19th September, 1972 Ex. M-1 by virtue of which all the demands covered by the present reference stand fully settled. Statement of Shri O. P. Tyagi, Personal Officer of the management and Shri Bed Ram, General Secretary of the Kokoku Wire Workers Union who had given the demand notice leading to the present reference have been recorded. According to him the concerned workmen have accepted the terms and conditions of the said settlement which is signed by him as well as the President of the union Shri Lorik Ram.

The award is accordingly made in terms and conditions of the Memorandum of Settlement Ex. M-1 which shall form part of the award.

No order as to costs.

O. P. SHARMA,

Dated 25th September, 1972.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 431, dated 29th September, 1972

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment, Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated 25th September, 1972.

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

श्रौद्धोगिक विवाद प्रविनियम, 1947 की घारा 18 (1) से घन्तांत समझौते का ज्ञापन

पक्षों के नाम

.. श्रीयुत हिन्दुस्तान कोकोकु वायर लिमिटेड,  
12/1, मधुरा रोड, फरीदाबाद-3।  
उन के अधिक

प्रबन्धकों के प्रतिनिधि

.. श्री सी० आर० वर्मा, प्रबन्धक,  
(1) श्री लोरिक राम, प्रधान,  
हिन्दुस्तान कोकोकु वायर लिमिटेड, वरकसं युनियन,  
12/1 मधुरा रोड, फरीदाबाद-3।  
(2) श्री वेद राम, महामन्त्री,  
हिन्दुस्तान कोकोकु वायर लिमिटेड, वरकसं युनियन  
12/1 मधुरा रोड, फरीदाबाद-3।

विवाद का संक्षित विवरण .. दोनों पक्षों के बीच में गेज्यूटी, महंगाई, अस्वस्थता अवकाश, आदि के बारे में श्रौद्धोगिक व्यायाधिकरण, हस्तियाण, फरीदाबाद के सामने चल रहा विवाद रैफरेंस संख्या 9106, 1971।

दोनों पक्षों में विचार विभास के बाद निम्नलिखित शर्तों पर सहमति हुई:—

- (1) कर्मचारियों को महंगाई भत्ता 16 जनवरी, 1969 के समझौते में लिखित आधार पर दिनांक 1 जनवरी, 1972 से 25 पैसे के बजाए 50 पैसे प्रति अंक के हिसाब से दिया जायेगा। 1 जनवरी, 1972 से 31 अगस्त, 1972 तक के बड़े हुए पैसे का भुगतान भा ह सितम्बर, 1972 के वेतन के साथ कर दिया जायेगा। 1 जनवरी, 1972 से 31 अगस्त, 1972 तक के बड़े हुए पैसे को अन्य किसी उद्देश्य के लिये वेतन नहीं माना जायेगा, केवल 1 अप्रैल, 1972 के बाद का पैसा आगामी वार्षिक बोनस के लिये गिना जायेगा।
- (2) इस समय कर्मचारियों को भिन रही तीन दिन की अनंतर परपत लीव को मिलाकर तथा उसमें वृद्धि करके छः दिन प्रति वर्ष के हिसाब से अस्वस्थता अवकाश दिया जायेगा। एक समय में कर्मचारी दो दिन की छुट्टी ले सकेगा। यदि किसी कारण से मैनेजरमेंट को छुट्टी के दिन बढ़ाने पड़े या कर्मचारी इस से अधिक अवकाश की कभी कोई मांग पेश करें तो प्रबन्धकों को इस सुविधा को अपनी सुविधा के अनुसार बदलने या समन्वय करने का अधिकार होगा किन्तु अस्वस्थता अवकाश की कुल वार्षिक सुविधा छः दिन के वेतन से कम नहीं होगी। यह सुविधा केवल उन्हीं दिनों प्रयोग की जायेगी जब ३० एस० आई० सी० से लाभ न लिया हो।

- (3) समझौता सम्पन्न होने की तिथि से, प्रैच्युटी का भुगतान, 'प्रैच्युटी अधिनियम, 1972', की शर्तों के अनुसार २ किया जायेगा। यह शर्त केवल समझौते की तिथि के बाद में नौकरी से अलग होने वाले कर्मचारियों पर लागू होगी।
- (4) उपर्युक्त मांगों के विषय जाने के कारण कर्मचारियों ने समझौता सम्पन्न होने की तिथि से छः माह तक प्रबन्धकों पर आर्थिक प्रभाव/भार डालने वाली कोई मांग नहीं रखेंगे किन्तु यह शर्त विधिवत् बैनेस के बारे में लागू नहीं होगी।
- (5) कर्मचारियों को हड्डाल के वास्तविक दिनों के बेतन का 50 प्रतिशत भुगतान किया गया था वह कर्मचारियों की तद् सम्बन्धी मांग की पूर्ति में शादा किया समझा जायेगा।
- (6) कर्मचारी अपनी अन्य मांगें बापस लेते हैं तथा उन्हें बत्तमान व्यवस्था के अनुसार तथ्य हुआ समझा जायेगा।
- (7) दोनों पक्षों ली ओर से जैनेजमेन्ट प्रतिनिधि औद्योगिक व्यायाधिकरण, हरियाणा, फरीदाबाद के सामने समझौता पेश करके प्रार्थना करेंगे कि उपर्युक्त शर्तों के अनुसार निर्णय कर दिया जाये।

अधिकों के प्रतिनिधि के हस्ताक्षर

प्रबन्धक के प्रतिनिधि के हस्ताक्षर

- (1) .....
- (2) .....

साक्षी के हस्ताक्षर :—

(1) .....

(2) .....

स्थान : फरीदाबाद

दिनांक : 19 सितम्बर, 1972।

The 16th October, 1972 . . .

No. Est/6/48-72/37577.—In pursuance of items 1 & 3 of appendix 'B' to the Draft Haryana Labour Department (State Service Class III) Rules it is hereby notified that the next departmental examination of the Field & Technical staff will be held at 10.00 A.M. on 22nd & 23rd November, 1972 in the office of the Labour Commissioner Haryana, Chandigarh.

No. 11319-4-Lab-72/40759.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s Gedore Tools (India) Ltd., Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK  
Reference No. 123 of 1970  
Between

SHRI JAI SINGH AND THE MANAGEMENT OF M/S GEDORE TOOLS (INDIA) LTD.,  
FARIDABAD

*Present*—Shri Onkar Prashad for the workman.  
Shri R.C. Sharma for the management.

#### AWARD

The facts leading to the present reference may shortly be stated as under:

Shri Jai Singh concerned workman joined service with M/s Gedore Tools (India).Ltd., Faridabad as a helper in April, 1966 and he was confirmed after 6 months. He was however, removed from service w.e.f., 19th January, 1968 allegedly on account of his un-authorised absence from duty. He raised a protest that the impugned order was tantamount to illegal termination of his services without any justification and that he should be reinstated with continuity of his previous service and full backwages. The management did not accede to his request. This gave rise to an industrial dispute.

The Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 referred the above dispute for adjudication to this court, *vide* order No. ID/FD/33C/82376-80, dated 2nd September, 1968, with the following term of reference :—

"Whether the termination of services of Shri Jai Singh was justified and in order. If not to what relief is he entitled?"

On receipt of the order of reference, usual notices were given to the parties and they were called upon to put-in their respective written statements. Shri Jai Singh filed the statement of claim with the allegations that on account of the serious illness of his father he had applied for leave on 15th January, 1968 and then on 16th January 1968 but both the leave applications had been rejected by the management, that on 17th January, 1968 the condition of his father deteriorated and, therefore, he could neither attend to his duty nor he could inform the management about his absence from duty, that when he reported for duty on 18th January, 1968 he was not allowed to resume work, that on 21st January, 1968 and then on 24th January, 1968 the management served him with charge-sheets regarding his habitual absentism. It was further urged that the management had ultimately dismissed my service on the above charge for which the punishment of fine alone could suitably be awarded. With these allegations in brief he claimed reinstatement with full backwages.

On the other hand, the management besides contesting the claim of this workman on merits raised some legal objections. To start with the constitution of the Labour Court at Rohtak was questioned. It was further contested that the reference was bad in law for want of an industrial dispute. As for merits, the case put forward on behalf of the management was that as a matter of fact this workman was guilty of habitual absence from duty and irregularity in attendance and during the period of one year and 9 months of his service he had absented himself from duty without leave 8 times, he was late in attendance 2 times, was found sleeping while on duty once and he had even disobeyed the instructions of the Incharge Foreman. It was further urged that on 17th January, 1968 again he had absented himself from duty without any authority and when questioned by the Executive Officer he had made a false statement that his father was ailing and had been taken to the Safdarjang Hospital at Delhi but he did not produce any Medical Certificate. In the circumstances the management had no alternative but to dismiss him from service. The following issues arose for determination from the pleading of the parties :—

- (1) Whether the objection that section 2A of the Industrial Disputes Act is ultravires can be raised in this court?
- (2) Whether this court has not been properly constituted and the appointment of the present Presiding Officer has not been properly notified?
- (3) Whether the termination of services of Shri Jai Singh was justified and in order. If not, to what relief is he entitled?

Issue No. 1 and 2 were found against the management,—*vide* order dated 27th January, 1969 of my learned predecessor that order has not been challenged by the management.

The only other issue that remains to be decided is as per the term of reference stated above. Shri Jai Singh concerned workman has made his own statement and placed reliance upon 2 documents, leave application dated 15th January, 1968 Ex. W.W. 1/1 another leave application dated 17th January, 1968 Ex. W.W. 1/2.

The management has examined its Chief Time Keeper Shri Pritam Lal Miglani who has proved the statement of attendance, leave etc., prepared on the basis of the entry made in the attendance register in respect of this workman Ex. M.W. 1/1. The management has further relied upon 3 applications made by Shri Jai Singh Ex. M.1, M.2, M.3 besides the letter dated 24th January, 1968 containing a number of warnings previously given to him. The Certified Standing Orders of the Company have also been brought on record.

The case has been fully argued on both sides and I have given a very careful consideration to the facts on record. As already observed the contention put forward by Shri Jai Singh concerned workman in his case is that the management had terminated his services illegally without any justification whereas the plea raised on behalf of the management is that he was habitually absent from duty and his name had, therefore, been struck off the rolls in accordance with the requirements of the Certified Standing Orders of the Company. After a careful scrutiny of the material on record, I find that the contention raised on behalf of the management has much force. From the perusal of the relevant documents on record it is proved beyond any shadow of doubt that the workman was in the habit of absenting himself from duty without any authority and he was also irregular in attendance. He had been given warnings for as many as - times for un-authorised absence from duty and twice for being late in attendance and once for having been found sleeping while on duty. But these warnings given to him one after the other did not have any desirable effect. The last occasion when he absented himself from duty was one 17th and 18th January, 1968. On 19th January, 1968 he had submitted his leave application Ex. M. 3 stating that he could not attend to his duty on 17th and 18th January, 1968 as his father had fallen ill and had to be taken to the Safdarjang Hospital, Delhi. He was required to produce Medical Certificate from the Hospital which he failed to do. The management gave him another chance to explain his position,—*vide* letter dated 21st January, 1968 before giving him final show-cause notice—*vide* letter dated 24th January, 1968 but without any satisfactory response from him. He did not produce any proof from the Safdarjang Hospital regarding the illness of his father nor he showed any regret for his habitual absence from duty.

The learned representative of the workman has urged that as a matter of fact the treatment of the management towards this workman was not good and he was not allowed leave even if due. The contention, however, is not warranted by the facts on record. A perusal of the statement Ex. M.W.1/1 would show that this workman had been granted 16 casual leaves, 8 sick leaves and 14 ordinary leaves during the course of his service for 1 year and 9 months.

So, taking into consideration the fact and circumstances of the case discussed above I am quite clear in my mind that Shri Jai Singh concerned workman who was irregular in attendance and had habitually absented himself from duty without proper authority was guilty of misconduct as defined in clause 13(o) and (q) of the Certified Standing Orders of the Company and that being so the management was fully justified in dismissing him from service as provided under clause 14(v) of the said Certified Standing Orders. The learned representative of the workman has not been able to satisfy me to the contrary. The issue involved is decided against the workman and the order of the termination of his services is held to be justified and in order. The award is accordingly made. No order as to costs.

Dated the 5th October, 1972.

O.P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2267; dated the 6th October, 1972

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,  
Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 11320-4Lab-72/40761.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Oxford Pencil Industries, Delhi Road, Bahadurgarh :—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA,  
ROHTAK

Reference No. 87 of 1970

*between*

SHRI SURAJUDIN AND THE MANAGEMENT OF M/S OXFORD PENCIL INDUSTRIES,  
DELHI ROAD, BAHADURGARH

*Plaint—*

Shri Chander Singh, for the workman.

Nemo for the management.

#### AWARD

The management of M/s Oxford Pencil Industries, Delhi Road, Bahadurgarh terminated services of its workman Shri Surajudin Fitter w.e.f. 31st July, 1968. He raised a demand for his re-instatement contending that his services had been terminated without any justification but there was no response from the management. This gave rise to an industrial dispute.

The Governor of Haryana, in exercise of the powers conferred by clause (c) of the sub-section (i) of section 13 of the Industrial Disputes Act, 1947, referred the above dispute for adjudication to this court,—*vide* order No. ID/RK/104-68/A/1841-45 dated 23rd January, 1969, the term of reference being as given under :—

“Whether the termination of services of Shri Surajudin was justified and in order? If so, to what relief is he entitled?”

Usual notices were given to the parties. The management has not cared to appear and contest the claim of Shri Surajudin inspite of due service. The workman has filed his statement of claim reiterating his above demand for reinstatement and back wages earlier raised through the demand notice dated 31st October, 1968.

In support of his claim Shri Surajdin concerned workman has made his own statement to the effect that he worked as a fitter for 2½ years at Rs. 150 P. M. and that the management terminated his services merely because of his union activities without giving him any charge sheet or notice. He had further stated that he has not been gainfully re-employed anywhere after his services were terminated by the management. There is apparently no reason to disbelieve the above statement on oath made by the workman specially when the management has chosen not to appear and contest the case inspite of due service.

In view of the above the issue involved is decided against the management holding that the order of termination of services of Shri Surajdin concerned workman was not justified and in order and as such he is entitled to re-instatement with continuity of his previous service and full back wages. The award is accordingly made. The workman is also entitled to Rs. 50/- as cost from the management.

O. P. SHARMA,

Dated 5th October, 1972.

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

No. 2268, dated 6th October, 1972

Forwarded (4 copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required by section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,  
Labour Court, Haryana,  
Rohtak.

The 19th October, 1972

**No. 11424-4Lab-72/40948.**—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Hastinapur Metals (P)Ltd., G. T. Road, Kundli (Sonepat)

**BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD**

**Reference No. 39 of 1972**

*between*

**THE WORKMEN AND THE MANAGEMENT OF M/S HASTINAPUR METALS (P) LTD., G. T. ROAD, KUNDLI (SONEPAT)**

*Present.—*

Shri M. S. Rathi for the workmen.

Shri M.L. Gulati for the management.

#### AWARD

By order No. ID/RK/198-A-72/21562 566 dated 16th June, 1972, of the Governor of Haryana the following dispute between the management of M/s Hastinapur Metals (P) Ltd., G. T. Road, Kundli (Sonepat) and its workmen was referred for adjudication to this Tribunal in exercise of the powers conferred by clause (d) of sub section (1) of Section 10 of the Industrial Disputes Act, 1947.

Whether the workmen of the factory should be extended all the benefits in the light of the recommendations of the Central Wage Board for Engineering Industry? If so; with what details and from which date?

The parties have arrived at a settlement. Their statements have been recorded. The award is made in the terms of settlement dated the 8th September, 1972, Exhibit W. 1 which shall form part of the award. No order as to costs.

Dated 3rd October, 1972.

O. P. SHARMA,

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 1048, dated 4th October, 1972.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated 3rd October, 1972

Industrial Presiding Officer,  
Tribunal, Haryana,  
Faridabad.

**HASTINAPUR METALS PRIVATE LTD:**

COMMERCIAL OFFICE  
AND WORKS:

REGISTERED OFFICE 8-A,  
CONNAUGHT PLACE  
NEW DELHI-1.

POSTAL ADDRESS:  
POST BOX NO. 367  
NEW DELHI.

GRAND TRUNK ROAD,  
KUNDLI (HARYANA)  
P. O. KUNDLI (HARYANA)  
YOUR REFERENCE  
OUR REFERENCE PC: 310

Reference No. I. D. 39 of 1972

SEPTEMBER 8, 1972

Terms of Settlement between the workmen and the Management of Hastinapur Metals Private Limited, in respect of the above reference before the Industrial, Tribunal Haryana at Faridabad.

1. That all the workmen shall be given an increment of Rs. 9.00 (Rupees Nine only) per month.
2. That increment will be given with effect from 1st of July, 1972.
3. The Consumers Price Index Nos: in the Sonepat Area has gone up from 130 (Average July to December, 1971) to 135 (Average for January to June, 1972). This would lead to the D. A. going upto Rs. 6.00 from Rs. 3.50 as from 1st January, 1972.
4. That no dispute exists between the parties and that the Counsels of both of the parties be instructed to withdraw the above case and comply with all the legal formalities that would be necessary to withdraw the above case.

FOR AND ON BEHALF OF THE  
WORKMEN

1. Sd/-O. P. SHARMA (in English)
2. Sd/-Puran Singh (in Hindi)
3. Sd/-Mange Ram (in English)
4. Sd/-Hari Chand (in Hindi)

FOR AND ON BEHALF OF THE  
MANAGEMENT

1. Sd/-Gajendra Kumar  
(in English)
2. Sd/-Y. Korpal  
(in English)

No. 11423-4Lab-72-40950.--In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Municipal Committee, Jagadhari.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 117 of 1970

*between*

THE WORKMEN AND THE MANAGEMENT OF M/S MUNICIPAL  
COMMITTEE, JAGADHARI.

*Present.—*

Shri Madhu Sudan Saran Cowshish, for the workmen.

Shri Subhash Chander for the management.

## AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred for adjudication to this Tribunal the following disputes existing between the Municipal Committee, Jagadhari and its employees *vide* order No. 1D-UMB-12-B-70-25772-76, dated 26th August, 1970.

- (1) whether the Committee be required to contribute towards provident fund of their employees on the whole consolidated pay instead of basic pay plus 50 per cent of D.A if so, from which date and with what details?
- (2) whether the Peons, Chowkidars and Chaprasies should be paid D.A @ Rs 15 P.M. for the month of April, 1964. If so; with what details?
- (3) whether the Mohairirs in the Octroi Department should be supplied with Uniforms. If so; with what details?
- (4) whether Shri Muthra Dass, Mali is entitled to the additional D.A. at Rs 10 P.M. for the period from 1st April, 1964 to 31st December, 1964 and at the rate of Rs. 2.50 P.M. from 1st January, 1965 onwards. If so, with what details?
- (5) whether the class IV employees should be paid their arrears of increased D.A. w.e.f. 1st April, 1961. If so; with what details?
- (6) what amount of wages should be paid to Shri Ram Chander w.e.f. 1st April, 1965 and onward and with what details?
- (7) whether the octroi department employees should be transferred to Sadar Chungi in rotation? If so; with what details?
- (8) whether the workers of all categories should be allowed the grade and scale of pay as are allowed by the Haryana Government to their employees in corresponding categories? If so, from which date and with what details?
- (9) whether any gratuity scheme should be introduced for the workers ? Is so, from which date and with what details?
- (10) whether sanctioned quantity of coal for the outsider posts of the Municipal Committee should be enhanced by 25 per cent. If so, with what details?

On receipt of the order of reference the parties were called upon to put in the respective written statements. The employees filed their statement of claim reiterating their demands raised earlier through the demand notice dated 15th December, 1969. The Municipal Committee, Jagadhari, filed the written statement contesting all the demands pleading *inter alia* that the Octroi Department of the Committee was not an industry and as such the demands raised by the Octroi employees could not be referred for adjudication.

The aforesaid preliminary objections raised by the Municipal Committee was upheld and by Interim award dated the 28th May, 1971 it was decided that the octroi department was not an industry within the meaning of the Industrial Disputes Act, 1947.

From the pleadings of the parties the following issues arose for determination on merits of the case :—

- (1) Whether the Committee be required to contribute towards Provident Fund of their employees on the whole consolidated pay instead of basic pay plus 50 per cent of D.A. If so ;from which date and with what details?

- (2) Whether the peons, Chowkidars and Chaparasies should be paid D.A. @ Rs. 15 P. M. for the month of April, 1964. If so, with what details ?
- (3) Whether the Moharris in the octroi Department shoul be supplied with uniforms. If so, with what details ?
- (4) Whether Shri Muthra Dass, Mali is entitled to the additional D.A. @ Rs 10 P.M. for the period from 1st April, 1964 to 31st December, 1964 and at the rate of Rs 2.50 P.M. from 1st January, 1965 onwards. If so, with what details ?

Shri Utam Singh, General Secretary, Municipal Employees Union (Regd.) Jagadhri has come into the witness box as W.W. 1 and referred to circular letter No. 1012-3 FRI-65/ 1511 dated the 18th February, 1965 of the Secretary to Government Punjab, Finance Department copy Ex. W.W.1-1 copy of resolution No. 8/7 of 11th September, 1964 Ex. W.W.1-2 copy of circular letter No. 3308-EFRI-61-17495, dated the 26th June, 1961 Ex. W.W.1-3, Memorandum No. 5238-11SLG (2) (50)-69, dated 13th November, 1969, ccpy Ex. W.W.1-4, On behalf of the Municipal Committee Shri S.N. Dhawan, Office Superintendent has come into the witness box and made a detailed statement with reference to certain circular of the Government and correspondent exchanged between this and other Municipal Committees in the State Ex. M-1 to M-16 . On the request of the learned representative of the employees the case was adjourned to enable him to cross examine Shri Dhawan after checking the emoluments produced by him but on the date fixed he declined to cross examine the witnesses and made a statement that he had no instructions to proceed with the case or produce any evidence in support of the above demand raised by the employees and that the award might be made on the facts already on record.

I have given a careful consideration to the material on record and the contentions raised on both sides. The issue may be taken up separately.

*Issue No. 1.*—According to the provisions of the Municipal Account Code read with the directions given by the Government from time to time, contributions towards the provident fund of the employees has to be made on the basis of their basic wages and in their consolidated wages. This rule is admittedly being observed by the Municipal Committee, Jagadhri. A perusal of the correspondence with the other committee in the State would also reveal that they are making such contributions on the basic wages of thier employees. The claim of the present employees for contributions towards their provident fund on their consolidated wages is thus not well founded. The issue No. 1 is accordingly held against them.

*Issue No. 2.*—The Municipal Committee, Jagadhri had passed a resolution for payment of additional dearness allowance at Rs. 15 P. M. to the class IV employees with effect from 1st April 1964. The Examiner, Local Fund Accounts, Chandigarh, however, raised an objection on the ground that the employees concerned could no get more tan what was being paid to their counter-parts by the Government. There was a lot of correspondence between the Municipal Committee and the Examiner, Local Funds Accounts in this behalf and it was finally agreed that the class IV employees could be entitled to payment of additional dearness allowances at Rs.15 per mensem with effect from 1st July, 1964 and not earlier. The employees concerned could not therefore claim the dearness allowance at a rate higher than Rs. 10 per mensem for April, 1964. They had admittedly been paid at Rs. 10 per mensem for the period in question. The issue is accordingly decided against them.

*Issue No. 3.*—The doctor of Department of the Municipal Committee, Jagadhri having been held not to be an industry within the meaning of the Industrial Disputes Act, 1947—*vide* interim award dated 28th May, 1971. This issue has become redundant and as such has not pressed and none of the employees has come forward to pursue his claim for the supply of uniform.

*Issue No. 4.—The claim of Shri Mathura Dass, Mali is no better. As per the order of the Deputy Commissioner, Ambala, and the Sub-Divisional Magistrate Jagadhri, copy Ex. M-15 is entitled to dearness allowances at Rs. 7.50 per month with effect from 1st January, 1965 which is being held to him. His claim for dearness allowance at the higher rate of Rs. 10 P.M. has not been justified. The issue is decided accordingly against him.*

In view of my above findings on the issues involved the employees concerned are not entitled to the relief claimed by them respectively. The award is accordingly made but without any order as to costs.

Dated the 3rd October, 1972.

O.P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

NO. 1049, the 4th October 1972.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 3rd October, 1972.

O.P. SHARMA,  
Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

No. 11425-4Lab-72/40952.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/S Auto Lamps Limited, Faridabad, N.I.T.

#### BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 79 and 82 of 1971

*Between*

THE WORKMEN AND THE MANAGEMENT OF M/S AUTO LAMPS LIMITED,  
FARIDABAD, N.I.T.

*Present:*

Shri Nand Lal, President, Auto Lamps Workers Union (Old)  
Shri Saran Lal, President, Auto Lamps Workers Union (New)  
Shri S.L. Gupta, for the management.

#### AWARD

The Governor of Haryana is exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred for adjudication to this Tribunal the following disputes between the management of M/s Auto Lamps Limited, Faridabad N.I.T. and their workmen by order No. ID/FD/258/25379-83, dated 12th August, 1971:—

- (1) Whether the suspension of Sarvshri Nand Lal Sharma, Yog Raj and Baldev Raj is justified and in order? If not; to what relief they are entitled?
- (2) Whether the charges made against the workmen (list attached) are justified and in order? If not; to what relief they are entitled?

- (3) Whether gratuity Scheme should be introduced ? If so ; from which date and with what details ?
- (4) Whether the workmen should be paid interim relief as recommended by the Central Wage Board for Engineering Industry ? If so ; with what details ?
- (5) Whether the action of the Management in withholding the wages of the workmen for the month of May, 1971 is justified and in order ? If not ; to what relief they are entitled ?,
- (6) Whether the management should be required to pay wages to the workmen for the period of Strike from 19th May, 1971 till the date of its termination ? If so ; with what details ?

By an other order No. ID/FD/288/27095-99, dated 1st September, 1971 so me other disputes between the said management and its workmen were also referred for adjudication to this Tribunal with the following terms of reference :

- (1) Whether the action of the management in refusing to allow the following workers to resume duty with effect from 19th August, 1971 after calling off the strike is justified and in order ? If not ; to what relief they are entitled to :
  - (1) Shri Raghbir Singh
  - (2) Shri Sansar Chand
  - (3) Shri Prem Chand
  - (4) Shri Roshan Lal
  - (5) Shri Brij Mohan
  - (6) Shri Lok Chand
  - (7) Shri Jagdev Parshad
  - (8) Shri Kishan Singh
  - (9) Shri Ram Khilawan
  - (10) Shri Jain Singh.
  - (11) Shri Hans Raj
  - (12) Shri Ithari Lal
  - (13) Shri Shiv Mohan
  - (14) Shri Kanniya Lal
  - (15) Shri Avsar
  - (16) Shri Ram Bharose
  - (17) Shri Kanta Parshad
  - (18) Shri Roshan Lal II.
  - (19) Shri Om Parkash
  - (20) Shri Mohan Chand.
- (2) Whether the taking of pledges from the workers is justified and in order and whether it will not amount to imposing of new condition of service ?
- (3) Whether the action of the management to terminate the services of the following workers is justified and in order ? If not to what relief they are entitled to :—
  - (1) Saroj Bala
  - (2) Radha Rani
  - (3) Rama Rani
  - (4) Jashpal Kaur
  - (5) Om Parkash
  - (6) Harpal
  - (7) Member Singh

The parties have arrived at an amicable settlement in both the aforesaid references which have been registered as references Nos: 79 of 1971 and 82 of 1971 and have been linked

together Statements of the parties have been recorded. The award is, therefore, made as per terms conditions given in the memorandum of settlement, dated 24th September, 1972 Ex. M-1 to be read with the annexure Ex M-2 which shall form part of the award. No order as to costs.

O.P. SHARMA

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

Dated: 3-10-1972

Endorsement No: 1047 Dated, Faridabad, the 4th October, 1972

Forwarded (four copies) to Secretary to the Government Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA

Presiding Officer,  
Industrial Tribunal, Haryana,  
Faridabad.

**BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,  
FARIDABAD  
Reference No. 79 and 82 of 1971**

**IN THE MATTER OF AN INDUSTRIAL DISPUTES**

*Between*

The workmen and the management of Auto Lamps Ltd., Faridabad.

Sir,

The parties to the dispute respectfully submit as under:

- (1) That two references are pending before the Hon'ble Tribunal. One reference is numbered as 79 of 1971 and the other reference is numbered as 82 of 1971. It is prayed that reference number 82 of 1971 may be connected with reference number 79 of 1971.
- (2) That the parties have settled all theird isputes in terms of the settlement which is annexure 'A' with this application.

It is humbly prayed that the Hon'ble Tribunal be pleased to pass an award in terms of the settlement which is annexure 'A' with this application.

For workmen

For workmen

For Auto Lamps Limited

Auto Lamps Workers Union  
(New Union)

Auto Lamps Workers  
(Old Union)

Union P. Sharan Gupta,  
Managing Director.

Shri Saran Lal  
Shri Nand Lal Bali  
Shri Gurdev Singh  
Dated 24th September, 1972

Shri Nand Lal Sharma  
Shri Amar Nath Ahuja  
Shri Ram Lal

**Memorandum of settlement between the workman and the management  
of Auto Lamps Limited, Faridabad, N.I.T.**

Representing Management .. Shri P. Sharan Gupta,  
Managing Director.

Representing Workmen .. Auto Lamps Workers' Union.

**Workers representing old Union**

1. Shri Nand Lal Sharma .. President
2. Shri Amar Nath .. Secretary
3. Shri Ram Lal ..

**Workers representing New Union**

1. Shri Saran Lal .. President
2. Shri Nand Lal Bali .. Secretary
3. Shri Gurdev Singh ..
4. Shri Darshan Singh

**SHORT REGITAL OF THE CASE**

Whereas certain Industrial Disputes are pending before the Presiding Officer, Industrial Tribunal, Haryana, Faridabad. These disputes are registered in the office of the Industrial Tribunal as Reference No.79 of 71 and 82 of 71.

Shri Amar Nath had approached the Management with a request to settle their cases pending in the Court, out of the Court. The Management had agreed to do so as a matter of gesture and goodwill. The parties have accordingly mutually discussed all the disputes and have arrived at an amicable as settlement under the terms and conditions herein below:

**TERMS OF SETTLEMENT**

Sh. Saran Lal  
Sh. Nand Lal Bali  
Sh. Gurdev Singh  
Shri Narain Das, (2) Sarveshri N.L. Sharma, (3) Charan Das, (4) Ram Lal,  
Shri Nand Lal  
Sharma Sh. Amar  
Nath Ahuja  
Sh. Ram Lal.  
Sh. Rajinder Singh and (10) Yog Raj, the following benefits:

- (i) Gratuity at 15 days wages for each completed year of service.
- (ii) Service compensation at 6 days wages for each completed year of services.
- (iii) Suspension allowance at 50 per cent of the wages from 1st September, 1971 to 31st August, 1972.
- (iv) Bonus for the year 1971-72 at 8.33 per cent of the wages earned by these Workmen from 1st April, 1971 to 18th May, 1971 the last day of their working in the Factory.
- (v) The management has worked out the details of the above benefits which is shown in the enclosed Annexure I of this settlement.

2. The Workmen have understood the contents of para I stated above and accepted the same to be correct. They have also scrutinised the amounts shown against their names and find the same to be quite correct. These workmen will receive the amounts mentioned against the name of each workmen in full and final settlement of all their claims against the Company. They will also have no right of re-instatements or re-employment in the services of the Company.

3. In consideration of the benefits agreed by the Management, the Union gives up all their demands contained in Ref. No. 79 of 71 and Ref. No. 82 of 71 and any other case that may be pending before any Court.

4. Both the parties agree that Gratuity at 15 days' wages for each completed year of service and compensation at 6 days' wages for each completed year of service has been given to the above workmen as a special case and it will not form any precedent. Onwards the workmen will be entitled to Gratuity strictly according to the provisions of the Payment of Gratuity Act, 1972.

5. That the above payments will be made to the above workmen shown in para 1 within one month from the date of registration of this settlement with the Industrial Tribunal.

6. Both the parties will make a prayer to the Hon'ble Tribunal for consolidation of Re. No. 79 of 71, Ref. No. 82 of 71 and any other reference. They will further make a prayer to the Hon'ble Tribunal to pass an Award in terms of this settlement in disposal of all the demands contained in all the references.

The parties put their signatures to this settlement this 24th day of September, 1972 in presence of witnesses:

## Witnesses

## For Workmen

## For Auto Lamps

Limited (P. Sharan  
Gupta)  
Managing Director.

1. Shri S.C. Khera      Auto Lamps workers Union  
representing old  
Union.  
1. Shri Nand Lal Sharma

2. Shri Kishan Lal Ratra 2. Shri Amar Nath Ahuja  
3. Shri Ram Lal

Worker representing new  
Union

- (1) Shri Saran Lal
- (2) Shri Nand Lal Bali
- (3) Shri Gurdev Singh

Shri Darshan Singh

## ANNEXURE I

Amount payable to ten workers in terms of settlement arrived at between the Management and the ten suspended workers of Auto Lamps Limited

Serial No.	Name of worker	Rate of wages per month and D.A.	The quantum of total service	Gratuity at 15 days wages plus DA for each completed year of service	Compensation at 6 days wages plus DA for each completed year of service	Suspension allowance from 1-9-71 to 31-8-72	Bonus for 1971-72 at 8.33 % from 1-4-71 to 18-5-71	Total
1	2	3	4	5	6	7	8	9
		Salary DA	Year month	Rs	Rs	Rs	Rs	Rs
1	Shri Narain Das	.. 249.00 27.00	17 0	2,346.00	938.40	1,658.00	36.80	34,977.20
2	Shri N.L. Sharma	.. 240.00 27.00	16 9	2,269.50	907.90	1,602.00	35.60	4,815.00
3	Shri Charan Das	.. 239.00 27.00	16 6	2,056.00	852.40	1,542.00	34.27	4,454.67
4	Shri Ram Lal	.. 243.00 27.00	16 5	2,160.00	864.00	1,820.00	36.00	4,680.00
5	Shri Karan Chaudhary	.. 231.00 27.00	16 3	2,064.00	825.60	1,548.00	34.40	4,472.00
6	Shri Pradhan Chaudhary	216.50 27.00	14 8	1,826.25	697.85	1,461.00	32.47	4,017.57
7	Shri Pitamber Lal	.. 157.00 27.00	13 9	1,288.00	515.20	1,104.00	24.53	2,931.73
8	Shri Amar Nath	.. 190.75 27.00	12 8	1,415.35	566.15	1,306.80	29.03	3,317.33
9	Shri Rajinder Singh	.. 265.00 27.00	9 7	1,460.00	584.00	1,752.00	38.93	3,834.93
10	Shri Yog Raj	.. 76.00 27.00	0 9	51.50	20.60	618.00	13.73	703.83
Total				.. 16,936.60	6,742.10	14,209.80	315.76	38,204.26

S.N. BHANOT,

Commissioner for Labour & Employment,  
and Secretary to Government, Haryana.